From: Dave Booth
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

As an individual IT professional I am writing this to include my personal comments in the responses to the proposed Microsoft antitrust settlement. These comments are mine and do not necessarily represent the opinion of my employer.

Since before the Windows operating system was available I have been a user of Microsoft products. In some areas they excelled, in others they were easily surpassed by others. Over my career in IT I have personally observed ever-higher barriers raised to interoperability between Microsoft products and those of other software producers. This resulted in the creation of the current monopoly situation enjoyed by Microsoft and has, in my opinion, been primarily responsible for its continuation by allowing Microsoft to stifle competition through simply changing their APIs and protocols faster than they could be reverse-engineered to compete. I am very disappointed to note that the proposed settlement leaves far too many loopholes to inspire any confidence that this will not continue.

In particular the provisions of section III.J.1 are too broad. Anti-piracy or software licensing concerns are a valid exception in the context of this section but security, encryption or authentication methods that rely on obfuscating their mechanism for their effectiveness are fundamentally flawed, to the extent that it could be viewed as fraudulent to classify them as "secure". This being the case, disclosure of the mechanism by which these APIs or Communications Protocols operate should not place Microsoft at any disadvantage - The competitor they seem to most fear, namely open-source software, discloses all these mechanisms and yet still has a better security record than all of Microsofts products. On the other hand, allowing Microsoft to eclude these APIs and Protocols from disclosure allows them to prevent interoperability between their software and others by a very simple stratagem. It does a third-party program very little good to be able to work with files in a Microsoft-derived format if it is impossible to authenticate to the server on which they reside without using the Windows OS.

In addition, one provision which assumes a greater significance in the light of this loophole is absent from the proposed settlement. This is the demonstrated strategy of "Embrace and Extend," used by Microsoft to gain control over hitherto open standards. In this strategy Microsoft publicly adopts an agreed standard that is already in use within the IT community and begins to market products that conform to that standard. Future releases of these products "extend" the standard with Microsoft-proprietary additions which gain market share due to

Microsofts ubiquity rather than through the accepted and proper process of review. The eventual result is that Microsoft has dictated a change in the standard and in the process ensured that other products that comply with that standard are no longer percieved as fully functional. It is imperative that some prohibition on this behaviour is included in the final settlement.

On this basis I strongly urge the rejection of this proposed settlement.

Yours sincerely,
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